

**ORDINANCE NO. 28824**

**AN ORDINANCE OF THE CITY OF SAN JOSÉ PREZONING CERTAIN  
REAL PROPERTY GENERALLY BOUNDED BY PATT AVENUE,  
MCKEE ROAD, NORTH WHITE ROAD, AND A LINE 150 FEET  
WESTERLY OF FRANCIS DRIVE FROM COUNTY OF SANTA CLARA  
TO R-1-8 SINGLE FAMILY RESIDENCE ZONING DISTRICT**

**WHEREAS**, all prezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, the area encompassed by the subject proposed prezoning was the subject of an Environmental Impact Report (EIR) prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, and certified by the City Council on August 16, 1994; and

**WHEREAS**, this Council of the City of San José, acting as lead agency under CEQA, proposes to approve a project which was the subject of said EIR, to wit: the adoption of an ordinance prezoning certain real property hereinafter described to R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council has, on August 16, 1994, adopted Resolution No. 65459; and

**WHEREAS**, the Council is the decision-making body for subject prezoning from unincorporated County to R-1-8 Single Family Residence Zoning District; and

**WHEREAS**, this Council does hereby certify that, as the decision-making body, it has considered and approves the information contained in such EIR and Resolution No. 65459 prior to acting upon or approving such project.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
SAN JOSE:**

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned as R-1-8 Single Family Residence Zoning District.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No.

C10-013 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.


**PASSED FOR PUBLICATION** of title this 5th day of October, 2010 by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,  
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED  
Mayor

ATTEST:



LEE PRICE, MMC  
City Clerk

## DESCRIPTION OF REAL PROPERTY

Annexation to the City of San Jose, State of California

Name of Annexation: McKEE NO. 136

Date: 10/05/10 R-1-8 Zoning District

All that certain real property situated in the County of Santa Clara, State of California, being:

- all of Lots 1-36, Kentridge Drive, a portion of Francis Drive and a portion of Alviena Drive as shown on the Map of Tract No. 316, "Kentridge Terrace-Unit 1" recorded on October 22, 1946 in Book 12 of Maps at Page 8, Records of Santa Clara County;
- a portion of McKee Road as shown on the Parcel Map recorded on October 17, 1983 in Book 520 of Maps at Page 2, Records of Santa Clara County;
- all of Lots 1-54, Edison Drive, Kentridge Drive, Alviena Drive, Bell Avenue, and a portion of Francis Drive as shown on the Map of Tract No. 472, "Pala Homesites" recorded on February 9, 1948 in Book 15 of Maps at Page 38, Records of Santa Clara County;
- all of Lots 1-18 and Verna Drive as shown on the map of Tract No. 610, "Wornow Knolls" recorded on August 26, 1952 in Book 40 of Maps at Page 13, Records of Santa Clara County;
- all of Lots A, B, and C and Alviena Drive as shown on the Record of Survey recorded on March 24, 1958 in Book 92 of Maps at Page 4, Records of Santa Clara County;
- all of the subject lot and Alviena Drive as shown on the Record of Survey recorded on February 14, 1958 in Book 90 of Maps at Page 44, Records of Santa Clara County;
- all of the subject lots, Alviena Drive and the southwesterly 7.00 feet of the Lands of McElroy as shown on the Record of Survey recorded on September 10, 1957 in Book 86 of Maps at Page 14, Records of Santa Clara County;
- a portion of the "Lands of McElroy, Parcel Two" and White Road, all of "Parcel One, Land of Boles", the 60'x100' lot adjacent to "Parcel One, Land of Boles", Lands of Stasko, and Alviena Drive as shown on the Record of Survey recorded on December 19, 1968 in Book 246 of Maps at Page 20, Records of Santa Clara County;

said property being bounded by the City Limits Line of the City of San Jose as established by City Annexations McKee No. 106, McKee No. 2, McKee No. 48-B, McKee No. 81, McKee No. 114, McKee No. 119, McKee No. 18, McKee No. 16-A, and McKee No. 86; said property being more particularly described as follows:

Beginning at the point of intersection of the centerline of McKee Road with the southeastly prolongation of the southwesterly line of said Tract No. 472, as said point is described in said McKee No. 2;

Thence along said prolongation and said southwesterly line of Tract No. 472 and the general easterly line of said McKee No. 2, N 28°48'00" W 1497.00 feet to the most southerly corner of said Tract No. 610;

Thence continuing along said general easterly line of McKee No. 2 and the southwesterly line of said Tract No. 610, N 28°47'30" W 444.73 feet to the southeasterly line of Patt Avenue as shown on said Tract No. 610, also being the southeasterly line of said McKee No. 48-B;

Thence along said southeasterly line of Patt Avenue and said southeasterly line of McKee No. 48-B, N 48°30'00" E 425.86 feet to the beginning of a tangent curve to the right, concave southerly, having a radius of 20.00 feet;

Thence continuing along said southeasterly line of McKee No. 48-B, along said curve, through a central angle of 101°46'00" for an arc distance of 35.52 feet to a point on the southwesterly line of Francis Drive as shown on said Tract No. 610, said point being on the general southwesterly line of said McKee No. 81;

Thence along said southwesterly line of Francis Drive and said general southwesterly line of McKee No. 81 the following six courses:

- S 28°44'00" E 215.00 feet to the beginning of a tangent curve to the right, concave westerly, having a radius of 20.00 feet;
- along said curve through a central angle of 78°14'00" for an arc distance of 27.31 feet to a point on the northwesterly line of Verna Drive as shown on said Tract No 610;
- along said northwesterly line of Verna Drive, S 49°30'00" W 20.83 feet;
- S 40°30'00" E 60.00 feet to a point on the southeasterly line of Verna Drive, said point also being the beginning of a non-tangent curve to the right, concave southerly, having a radius of 20.00 feet, a radial line to said point bears N 40°30'00" W;
- along said curve through a central angle of 101°46'00" for an arc length of 35.52 feet;
- S 28°44'00" E 103.09 feet to the easterly corner of Lot 1 as shown on said Tract No. 610, said point being on the general southwesterly line of said McKee No. 114;

Thence along said general southwesterly line of McKee No. 114 and along the southwesterly line of Francis Drive as shown on said Tract No. 472 the following ten courses:

- S 28°45'00" E 123.77 feet to the beginning of a tangent curve to the right, concave westerly, having a radius of 20.00 feet;
- along said curve, through a central angle of 78°15'00" for an arc distance of 27.31 feet to a point on the northwesterly line of Bell Avenue as shown on said Tract No. 472;
- along said northwesterly line of Bell Avenue, S 49°30'00" W 20.80 feet;
- S 40°30'00" E 60.00 feet to a point on the southeasterly line of said Bell Avenue, said point also being the beginning of a non-tangent curve to the right, concave southerly, having a radius of 20.00 feet, a radial line to said point bears N 40°30'00" W;
- along said curve, through a central angle of 101°45'00" for an arc length of 35.52 feet;
- S 28°45'00" E 214.50 feet to the beginning of a tangent curve to the right, concave westerly, having a radius of 20.00 feet;
- along said curve, through a central angle of 78°15'00" for an arc distance of 27.31 feet to a point on the northwesterly line of Alviena Drive as shown on said Tract No. 472;
- along said northwesterly line of Alviena Drive, S 49°30'00" W 20.73 feet;
- S 40°30'00" E 60.00 to a point on the southeasterly line of said Alviena Drive, said point also being the beginning of a non-tangent curve to the right, concave southerly, having a radius of 20.00 feet, a radial line to said point bears N 40°30'00" W;

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- along said curve, through a central angle of  $101^{\circ}41'00''$  for arc length of 35.49 feet;

Thence leaving said southwesterly line of Francis Drive, along the general southeasterly line of said McKee No. 114, N  $57^{\circ}19'15''$  E 60.14 feet to a point on the northeasterly line of Francis Drive as shown on said Tract No. 316;

Thence continuing along said general southeasterly line of McKee No. 114 and along said northeasterly line of Francis Drive the following three courses:

- N  $28^{\circ}49'00''$  W 2.23 feet to the beginning of a tangent curve to the right, concave easterly, having a radius of 20.00 feet;
- along said curve, through a central angle of  $86^{\circ}58'35''$  for an arc distance of 30.36 feet to a point on the southeasterly line of Alviena Drive as shown on said Tract No. 316;
- along said southeasterly line of Alviena Drive, N  $58^{\circ}09'35''$  E 4.71 feet;

Thence continuing along said general southeasterly line of McKee No. 114, N  $31^{\circ}14'07''$  W 60.00 feet to a point on the northwesterly line of Alviena Drive as shown on said Record of Survey (92-M-4), said point also being the beginning of a non-tangent curve to the right, concave northerly, having a radius of 20.00 feet, a radial to said point bears S  $31^{\circ}50'25''$  E;

Thence continuing along said general southeasterly line of McKee No. 114 and along the northeasterly line of Francis Drive as shown on said Record of Survey (92-M-4) the following two courses:

- along said curve, through a central angle of  $93^{\circ}05'25''$  for an arc length of 32.49 feet;
- N  $28^{\circ}45'00''$  W 136.98 feet to the westerly corner of Lot A as shown on said Record of Survey (92-M-4), also being the intersection of the southeasterly line of Parcel 2 and the northeasterly line of Francis Drive as shown on the Parcel Map recorded on June 13, 1977 in Book 398 of Maps at Page 44, Records of Santa Clara County;

Thence continuing along the general southeasterly line of McKee No. 114 and the southeasterly lines of Parcel 2 and Parcel 1 as shown on said Parcel Map (398-M-44) the following five courses:

- N  $58^{\circ}08'15''$  E 327.31 feet;
- N  $31^{\circ}31'30''$  W 69.00 feet;
- N  $58^{\circ}08'15''$  E 195.00 feet;
- S  $31^{\circ}31'30''$  E 37.00 feet;
- N  $58^{\circ}08'15''$  E 100.00 feet to the southwesterly line of McKee No. 119, also being the southwesterly line of White Road as shown on said Record of Survey (246-M-20);

Thence along said southwesterly line of McKee No. 119 the following thirteen courses:

- Along said southwesterly line of White Road, S  $31^{\circ}31'30''$  E 106.25 feet to the northwesterly line of Parcel Two as shown on said Record of Survey (246-M-20);
- Leaving said southwesterly line of White Road, along said northwesterly line of parcel Two, S  $58^{\circ}08'15''$  W 15.00 feet;
- Leaving said northwesterly line of Parcel Two, S  $31^{\circ}31'30''$  E 13.75 feet to the southeasterly line of said Parcel Two;
- Along said southeasterly line of Parcel Two, N  $58^{\circ}08'15''$  E 15.00 feet to said southwesterly line of White Road;

- Along said southwesterly line of White Road and its southeasterly projection, S 31°31'30" E 70.00 feet to the northeasterly projection of the northwesterly line of Alviena Drive as shown on said Record of Survey (246-M-20);
- along said northwesterly line of Alviena Drive, S 58°09'35" W 23.46 feet;
- S 31°51'45" E 60.00 feet to a point on the southeasterly line of Alviena Drive as shown on said Tract No. 316, said point also being the beginning of a non-tangent curve to the right, concave southerly, having a radius of 20.00 feet, a radial to said point bears N 31°50'25" W;
- along said curve, through a central angle of 90°18'55" for an arc length of 31.53 feet to a point on the southwesterly line of White Road as shown on said Tract No. 316;
- Along said southwesterly line of White Road, S 31°31'30" E 210.00 feet to the beginning of a tangent curve to the right, concave westerly, having a radius of 20.00 feet;
- along said curve, through a central angle of 89°41'05", for an arc distance of 31.31 feet to a point on the northwesterly line of Kentridge Drive as shown on said Tract No. 316;
- S 31°18'53" E 60.00 feet to a point on the southeasterly line of said Kentridge Drive, said point also being the beginning of a non-tangent curve to the right, concave southerly, having a radius of 20.00 feet, a radial line to said point bears N 31°50'25" W;
- along said curve, through a central angle of 90°18'55", for an arc length of 31.53' to a point on said southwesterly line of White Road;
- along said southwesterly line of White Road, S 31°31'30" E 105.02 feet to the easterly corner of Lot 25 as shown on said Tract No. 316, said point also being on the northwesterly line of said McKee No. 18;

Thence leaving said southwesterly line of McKee No. 119 and said southwesterly line of White Road, along the northwesterly and southwesterly lines of said McKee No. 18 the following two courses:

- along the southeasterly line of said Tract No. 316, S 58°09'35" W 680.60 feet to the centerline of Francis Drive as shown on the Parcel Map recorded on January 15, 1977 in Book 277 of Maps at Page 25, Records of Santa Clara County;
- Along said centerline of Francis Drive, S 28°49'55" E 536.34 feet to the centerline of McKee Road as shown on said Parcel Map (277-M-25) and the general northwesterly line of said McKee No. 16-A;

Thence along said general northwesterly line of McKee No. 16-A the following two courses:

- along said centerline of McKee Road, S 49°30'00" W 156.13 feet;
- leaving said centerline of McKee Road, S 38°09'00" E 43.04 feet to the southeasterly line of the 13-foot Street Easement to County (2120 O.R. 584) as shown on said Parcel Map (520-M-2), also being the northwesterly line of said McKee No. 86;

Thence along said southeasterly line of the 13-foot Street Easement and said northwesterly line of McKee No. 86, S 49°30'00" W 238.46 feet to the most westerly corner of said McKee No. 86, said point being on the northwesterly projection of the southwesterly line of Parcel 1 as shown on said parcel Map (520-M-2);

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Thence along said southeasterly line of Parcel 1 (520-M-2) and the southwesterly line of said McKee No. 86, S 38°09'00" E 15.77 feet, more or less, to the general northwesterly line of McKee No. 106;

Thence along said general northwesterly line of McKee No. 106, S 49° 30'00" W 95.79 feet, more or less, to the southeasterly projection of the southwesterly line of said Tract No. 472;

Thence continuing along said general northwesterly line of McKee No. 106, along said southeasterly projection of the southwesterly line of Tract No. 472, N 28°48'00" W 60.00 feet, more or less, to the Point of Beginning.

The described property contains approximately 30.60 acres.

This description was prepared from record information only.

For zoning purposes only. This description of land may not be used as the basis for an offer for sale of the land described.



Patricia A. Cannon 8/10/2010  
Patricia A. Cannon, PLS 8186